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The situation in the Middle East
Question of Palestine

Security Council
Fifty-fifth year

Letter dated 23 October 2000 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith, for your kind attention, the final communiqué of the Extraordinary Arab Summit held in Cairo, on 21 and 22 October 2000. It would be highly appreciated if the enclosed document could be circulated as an official document of the General Assembly under items 40 and 41, and of the Security Council.

(*Signed*) Ahmed **Aboulgheit**
Ambassador
Permanent Representative

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Annex to the letter dated 23 October 2000 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

[Original: Arabic]

Final communiqué of the Extraordinary Arab Summit Conference held in Cairo on 21 and 22 October 2000

At the urgent invitation of His Excellency Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, acting in his capacity as Chairman of the Extraordinary Arab Summit Conference held in Cairo in 1996, the heads of State of the Arab countries held an extraordinary meeting in Cairo on 21 and 22 October 2000.

This Summit is being convened in circumstances that are of great importance in the history of our Nation and at a new stage in the lives of its peoples, after grave complications because of which the peace process between the Arabs and Israel has broken down and with Israel having transformed the peace process into a war against the Palestinian people in which it is using military force to blockade and isolate that people and hold it hostage within the West Bank and the Gaza Strip.

The Summit hails the Intifadah of the Palestinian people in the occupied Palestinian territories that has given unequivocal expression to the bitterness of frustration following long years of expectation and anticipation focused on the outcome of a political settlement that failed to bear fruit because of Israel's intransigence and procrastination and its aversion to discharging its obligations. The Arab leaders invoke the mercy of God upon the souls of the Palestinian martyrs, and they regard their pure blood as a precious hoard set by for the liberation of the land, the establishment of the State and the achievement of peace.

The Arab leaders commend the response of the Arab masses, from the Atlantic Ocean to the Arabian Gulf, to the Intifadah of the valiant Palestinian people, and they acclaim the evident national consensus they have reached in standing together to condemn the Israeli aggression and the savage actions taken by the occupation forces. The stirring of the Arab masses is an expression of latent patriotic sentiments and of strong solidarity with the struggle of the Palestinian people for its sovereignty, its dignity and those things it holds sacred.

The Arab leaders hold Israel responsible for returning the region to a climate of tension and to manifestations of violence as a result of its practices, its assaults and its blockade of the Palestinian people in violation of its obligations as the occupying Power under the terms of the fourth Geneva Convention of 1949. Such conduct is also in flagrant violation of the norms of international law and is destructive of efforts to build peace in the region, and the rulers of Israel have handled the Jerusalem issue with a disdain that satisfies a passion for irresponsible display and deliberate provocation based on a repulsive racism. The Arab leaders call upon Israel to halt forthwith all of its provocative practices and to desist from its policy of repression directed against Arab civilians.

The Arab leaders affirm that the Al-Aqsa Intifadah has broken out as a result of the maintenance and perpetuation of the occupation and because of Israel's encroachments on the Haram al-Sharif in Jerusalem and on the other Islamic and

Christian Holy Places in the occupied Palestinian territories. The Arab leaders bring to mind with reverence, as they recall to the world, the martyrs who have sacrificed their lives in defence of their occupied land and the things they held sacred without heed for the war machine deployed by Israel to confront the unarmed, defenceless Palestinian people. They affirm the right of the Palestinian people to exact just compensation from Israel for the damage and the human and material losses it has sustained.

In response to a proposal by the Kingdom of Saudi Arabia, they hereby decide to establish two funds. The Al-Aqsa Fund will be allocated a sum of 800 million dollars for the funding of projects designed to preserve the Arab and Islamic identity of Jerusalem and prevent its loss and to enable the Palestinian people to disengage from its subordination to the Israeli economy. The Al-Quds Intifadah Fund will have a capital of 200 million dollars to be allocated for disbursement to the families of Palestinian martyrs fallen in the Intifadah and for providing the means necessary for the care and education of their children. They express their deep appreciation to The Custodian of the Two Holy Mosques for his decision that the Kingdom will contribute one quarter of the total sum to be allocated to the two funds.

The Arab leaders call upon all members of the Arab Nation to donate one day's wages as a citizens' contribution to support for the Intifadah and in order to assist the Palestinian national struggle at the crucial juncture at which our Arab Nation finds itself.

The Arab leaders call for the formation, within the framework of the United Nations, of an impartial international commission of inquiry to report to the Security Council and the Commission on Human Rights on the causes of and responsibility for the grave deterioration in the occupied Palestinian territories and the atrocities committed by the Israeli occupation forces against the Palestinian and Lebanese peoples and other Arab residents of the occupied territories. They stress in this connection the provisions of Security Council resolution 1322 (2000) of 7 October 2000, the resolution adopted by the Commission on Human Rights at its special session on 19 October 2000 and the resolution adopted by the General Assembly of the United Nations on 20 October 2000. They urge the Security Council to keep developments in the situation in the occupied Palestinian and Arab territories under review in the light of the threat that situation poses to international peace and security, and they call for the Security Council and the United Nations General Assembly to assume responsibility for providing the necessary protection to the Palestinian people under Israeli occupation by giving consideration to the establishment of a force or an international presence for this purpose, given that the United Nations bears permanent responsibility for the land and people of Palestine until such time as the Palestinian people secures the exercise of its inalienable rights in Palestine in accordance with international legitimacy.

The Arab leaders affirm that the Arab States will pursue, in accordance with international law, those responsible for the savage practices in question. They call upon the Security Council to establish an international criminal tribunal to prosecute the Israeli war criminals who perpetrated massacres of Palestinians and other Arabs in the occupied territories, on the same pattern as the tribunals established by the Council to prosecute war criminals in Rwanda and in the former Yugoslavia. They will continue their pursuit with a view to bringing them to trial in accordance with the provisions of the Statute of the International Criminal Court.

The Arab leaders express their extreme disapproval and condemnation of Israel's escalation in the hostile actions it was taking and the provocative attitudes it adopted at a time when the region was readying itself for a just and comprehensive peace, given that since the Madrid Conference the Arabs had decided that the option of a just and comprehensive peace would open the way to a final settlement to a heated conflict that had already lasted for more than half a century.

The Arab leaders condemn Israel's failure to respond to the peace option and its failure to make a vigorous endeavour for a just and comprehensive peace. They caution Israel against the pursuit of practices and actions that threaten the region's security and undermine its stability.

The Arab leaders affirm that the Nation has fixed principles that may not be violated, rights that may not be bargained away and goals for which they will never cease to strive in order to secure overriding Arab interests.

The Arab leaders affirm that peace must be based on the concepts of universality and justice as necessary preconditions if it is to be accepted and maintained. They affirm that this Arab position calls for a corresponding commitment on the part of Israel, which must meet it with an unequivocal stance based on compliance with the international rule of law in accordance with Security Council resolutions 242 (1967) and 338 (1973), United Nations General Assembly resolution 149 (III), concerning the right of Palestinian refugees to repatriation and compensation, the other relevant United Nations resolutions and the principles governing the peace process, primarily the principle of land for peace.

The Arab leaders affirm that a just and comprehensive peace can only ever be achieved with the return of Jerusalem to full Palestinian sovereignty and the acceptance of the legitimate rights of the Palestinian people, including the right to establish an independent State with its capital at Jerusalem — which is Palestinian territory that has been occupied since 1967 to say nothing of its spiritual significance and its religious status. All the occupied Arab territories must also be returned, and this includes Israel's full withdrawal from the West Bank and the Gaza Strip as well as from the occupied Syrian Golan Heights, to the line of 4 June 1967, complete withdrawal from southern Lebanon, including the Shab'a farmlands, up to the internationally recognized boundaries, the release of Arab prisoners and detainees in Israeli prisons in compliance with the relevant United Nations resolutions, and the removal of Israeli settlements in implementation of Security Council resolution 465 (1980).

In this context, the Arab leaders reaffirm their support for their brothers in Syria, Lebanon and Palestine. They affirm their commitment to their legitimate rights and to the restoration of all their occupied territories. They also affirm in this connection their rejection of any attempts to impose a peace that is unjust or lacking in balance on the basis of Israeli claims and at the expense of Arab rights and interests.

In the light of the setback to the peace process, the Arab leaders affirm their commitment to oppose with resolve Israel's attempts to penetrate the Arab world, under any designation, and to suspend the maintenance of any relations with Israel. They hold Israel responsible for the measures and decisions to be taken by the Arab States in connection with their relations with it, including their severance, such as will be required in order to counter the suspension of the peace process, the grave

developments to which that has recently given rise and the complications it has caused in the Arab and Islamic arenas, until such time as a comprehensive and just peace is achieved.

While emphasizing that the halt to the peace process on all bilateral tracks has caused the suspension of the multilateral track, the Arab leaders affirm that issues of regional cooperation cannot be addressed without real progress towards a just and comprehensive peace in the region. The halt in the peace process caused by Israel's policy and by its provocative practices makes talk of a common future in the region untimely. They hereby decide not to resume or participate in any official or informal activity in the multilateral framework and to suspend all measures and activities for regional economic cooperation with Israel in this framework and to link their resumption and their scope to the attainment of tangible progress towards a just and comprehensive peace on all the tracks of the peace progress.

The Arab leaders commend the decisions taken by the Al-Quds Committee of the Organization of the Islamic Conference, and in particular the final communiqué adopted at its most recent session held in Agadir, Morocco, under the chairmanship of His Majesty King Mohammed VI, reaffirming support for the stance taken by the State of Palestine based on commitment to sovereignty over East Jerusalem, including the Haram al-Sharif and all the Islamic and Christian Holy Places that are part and parcel of the occupied Palestinian territories, and to Jerusalem as the capital of the independent State of Palestine. The Arab leaders recall Security Council resolution 478 (1980), in which the Council urges the world's States to refrain from relocating their embassies to Jerusalem, and the resolution of the eleventh Arab Summit Conference, held in Amman in 1980, calling for the severance of all relations with States that relocate their embassies to Jerusalem or recognize the city as a capital of Israel.

The Arab leaders affirm that for lasting peace and security in the region to be achieved, Israel must accede to the Treaty on the Non-Proliferation of Nuclear Weapons and place all of its nuclear facilities under the international inspection and monitoring regime. They also affirm in this connection the extreme importance of ridding the Middle East region of nuclear weapons and of all weapons of mass destruction as a necessary and indispensable precondition for the establishment of any regional security arrangements in the future.

The Arab leaders express their conviction that ongoing changes in the international arena make it essential to reactivate joint Arab action and to reinforce and renew the League of Arab States and expand its institutions in order to enhance its future pan-Arab role.

In this context, the Arab leaders, meeting at this delicate juncture, decide to endorse the mechanism for the regular periodic convening of the Arab Summit as approved by the Council of the League of Arab States at its recent one hundred and fourteenth session and adopted in its final form by the meeting of Arab foreign ministers held in preparation for the present Summit. In accordance with the rotation by alphabetical order of the chairmanship for the convening of the periodic summits, the Arab Heads of State decide that the summit-level Council of the League of Arab States will meet at its thirteenth ordinary session in March 2001 under the chairmanship of the Hashemite Kingdom of Jordan in Amman, Jordan.

The Arab leaders express their confidence that the regular periodic convening of the Arab Summit will contribute to the promotion of joint Arab action in all fields, and particularly in the economic field where such action has become more pressing than ever in the light of the international and regional changes that make Arab economic integration an urgent necessity. This is particularly true given the human, natural and strategic resources the Arab countries possess, which would contribute to the achievement of economic stability in the region and in the world and promote rates of growth and the prosperity of peoples.

In concluding their Summit, the Arab leaders commended the spirit of complete solidarity that had prevailed in the conference and the constructive discussions to which all delegations had contributed in a way that reflected the deep sense shared by all — leaders, governments and peoples — of the gravity of the situation and of the importance of defining a unified Arab position to stand up firmly against Israeli threats in an endeavour to put the peace process back on the right road to a just and comprehensive peace in the region.

The Arab leaders expressed their high appreciation of the decision of His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of the State of Qatar, to bear the costs of the commission to inquire into human rights violations in the occupied Palestinian territories that had been established by the resolution adopted on 19 October 2000 by the Commission on Human Rights at its fifth special session, so that it would be able to achieve its objectives.

The Arab leaders affirmed their resolve to continue to utilize Arab capacities in the service of the Nation's causes and to make all of its resources available for the liberation of the occupied Arab territories, for support to the struggle of the Palestinian people to regain its land and establish its independent State on its national soil with Jerusalem as its capital, and for the preservation of Islamic and Christian Holy Places in Palestine. The Arab leaders agreed to continue their consultations in order to address ongoing developments confronting the Arab Nation.

The Arab leaders conveyed their deep thanks and appreciation to His Excellency Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, as well as to the people of the Arab Republic of Egypt, for their kind hospitality and the warm reception given. They expressed their full appreciation of the way in which the conference had been organized and prepared, and they offered His Excellency President Mohamed Hosni Mubarak their best wishes and the people of Egypt continued progress and prosperity.

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Fifty-fifth session
Agenda items 116 and 123

Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

Administration of justice in the United Nations

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Joint Inspection Unit (JIU) entitled "Administration of Justice at the United Nations", which was transmitted by the Secretary-General to the General Assembly in document A/55/57, as well as the comments thereon of the Secretary-General (A/55/57/Add.1). During its consideration, the Committee exchanged views with the Inspectors through video-conferencing and met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Committee notes that the Secretary-General also addresses the issue of administration of justice in paragraphs 51 to 55 and annex V of his report on human resources management reform (A/55/253), which includes a description of the current situation and elaborates on suggestions proposed for further discussion. The Secretary-General indicates that the current comprehensive system, because of its highly formalized nature, leads to protracted and lengthy procedures which are neither in the interest of justice nor of the staff or management. In paragraph 52 of document A/55/253, he states:

> "The goal is to improve the effectiveness of the system by streamlining the process to ensure expeditious treatment of cases, strengthening the informal mechanisms to ensure resolution of grievances at an earlier stage, providing training, including lessons learned, to all those who are key players in the system and providing legal backstopping to provide advice to staff members and guidance to the Panel of Counsel".

3. As indicated in paragraphs 7, 13 and 17 below, the Secretary-General agrees with some of the recommendations made in the report of the Joint Inspection Unit. **The Committee is of the view that the question of administration of justice should be considered in the context of the Secretary-General's overall human resources management reform.**

Recommendation 1

4. Recommendation 1 of the Joint Inspection Unit (A/55/57) proposes the creation of an office for the settlement of disputes and the administration of justice, which would report to the Executive Office of the Secretary-General. The Committee notes that the Secretary-General indicates that the purpose of the recommendation, i.e., to increase the independence of the system of administration of justice and enhance the image and credibility of the units involved, may not be

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achieved (see A/55/57/Add.1, paras. 8 and 9). The Secretary-General questions the desirability and appropriateness of placing the secretariat of the Administrative Tribunal in the same office as the joint staff-management bodies, whose decisions are appealed to the Tribunal, arguing that such a move needs to be further clarified in order to see how these changes would improve the existing system without compromising the independence of the Administrative Tribunal.

5. **The Advisory Committee agrees with the Joint Inspection Unit on the need for the secretariat of the Tribunal to be independent**. However, the recommendation of the Joint Inspection Unit does not really solve the problem. On the basis of testimony during its hearings, the Committee could not ascertain that the arrangement now in place has produced any evidence of interference yet it is aware that the potential for it does exist. **In view of the importance attached to the independence of the secretariat of the Tribunal, the Committee is of the opinion that the Secretary-General, taking into account the views of the Administrative Tribunal, should revisit this issue (see para. 6 below)**.

6. In this connection, the Committee has requested the comments and observations of the Administrative Tribunal of the United Nations with regard to the report of the Joint Inspection Unit (A/55/57) the comments of the Secretary-General thereon (A/55/57/Add.1), and paragraphs 51-55 and annex V of the Secretary-General's report on human resources management reform (A/55/253). These comments and observations will be transmitted to the Fifth Committee.

Recommendation 2

7. The Committee notes that the Secretary-General, in his report on human resources management (A/55/253), also proposes to establish an ombudsman mechanism which would replace the panels on discrimination and other grievances, as an effective means of strengthening the informal mediation process, as has been done in other funds and programmes of the United Nations, such as the United Nations Development Programme (UNDP) and United Nations Children's Fund (UNICEF). **The Advisory Committee welcomes these developments**.

Recommendation 3

8. The Secretary-General, in paragraph 15 of document A/55/57/Add.1, argues that acceptance of JIU recommendation 3 (a), to allow the Tribunal to order specific performance of an obligation and to decide the amount of compensation to be paid, would seriously restrict his authority as chief administrative officer of the Organization. In this connection, the Committee notes the information provided in paragraph 14 on the statutes of the International Labour Organization (ILO) and the United Nations administrative tribunals.

9. The Committee points out that article 9 of the statute of the United Nations Administrative Tribunal provides that compensation awarded by the Tribunal "shall not exceed the equivalent of two years' net base salary of the applicant. The Tribunal, may, however, in exceptional cases, when it considers it justified, order the payment of a higher indemnity. A statement for the reasons for the Tribunal's decision shall accompany each such order". The Secretary-General then decides if he prefers to comply with the order for rescission or performance or to pay the amount indicated by the Tribunal. The statute of the ILO does not contain any such limitations.

10. The Advisory Committee is of the opinion that the inability of the Administrative Tribunal to order specific performance seriously limits the staff's right to redress. Although this gap has existed since the inception of the Tribunal, the Committee believes that the time has come to consider closing it, especially when a number of other far-reaching reforms in the area of human resources management are being considered. In this connection, the Committee recalls its comments on the need for an efficiently functioning system for the administration of justice as a key element of reform (see A/55/499).

11. As regards recommendation 3 (c), the addition of a post of Deputy Secretary to the Tribunal, the Committee recalls that, in the context of the proposed programme budget for 2000-2001, an additional P-3 post was approved for the Tribunal, taking into account the workload of the Tribunal. Current staffing resources therefore include one P-5, one P-3 and one General Service post. **The Committee recommends that the Secretary-General make such staffing proposals as he considers necessary to the General**

Assembly, in the context of the proposed programme budget for 2002-2003, on the basis of updated supporting workload indicators and information on such backlog as may exist.

12. The Advisory Committee requested additional information regarding the number of cases filed and judgements rendered by the Administrative Tribunal during the last six years. The information provided is contained in annex I to the present report.

Recommendation 4

13. Recommendation 4 (b) recommends offering basic legal courses to new members of the Joint Appeals Board and the Committee for Professional Responsibility, with special reference to the terms of appointment of United Nations staff, the administrative policies and practices of the Organization and the jurisprudence of the Administrative Tribunal. In this regard, the Advisory Committee notes that the Secretary-General, in paragraph 5 of annex V to document A/55/253, is proposing to provide such training to members of the Joint Appeals Board, the Joint Disciplinary Committee and the Panel of Counsel. Moreover, the Secretary-General proposes targeted training, including lessons learned, at all levels of the Secretariat, in order to disseminate information regarding recourse procedures and administrative policies and practices, as well as briefing managers, personnel officers, executive officers and administrative personnel on the outcome of appeals cases and United Nations Administrative Tribunal judgements. **The Advisory Committee welcomes this proposal**.

Recommendation 5

14. In connection with the Inspectors' recommendation to give further consideration to reviving the advisory function of the International Court of Justice in the internal recourse procedure and, in the meantime, encouraging closer working relationships between both Administrative Tribunals at the United Nations and the ILO with a view to rationalizing their competence and harmonizing their jurisprudence, the Committee notes the comments of the Secretary-General in paragraph 27 of his report (A/55/57/Add.1).

15. The Advisory Committee has serious doubts regarding the appropriateness of involving the International Court of Justice in staff disputes. In this connection, the Committee recalls that the General Assembly, in its resolution 50/54, deleted article 11 of the statute of the Administrative Tribunal of the United Nations, thus, inter alia, abolishing the Committee on Applications for Review of Administrative Tribunal Judgements.

Recommendation 6

16. The Inspectors propose to strengthen the Office of the Coordinator of Counsel in order to enhance the availability of legal advice and representation for the staff by appointing a Coordinator with strong legal qualifications at the Senior Professional level. In addition, it recommends giving an option to staff members to be represented by staff members who have separated from the Organization through resignation or other ways in addition to current practice, which includes only current and retired staff members.

17. As to the level and operational requirements of the post, the Secretary-General indicates in paragraph 28 of document A/55/57/Add.1 that these functions have been reviewed in the light of many considerations. **The Advisory Committee reiterates its observation, made in paragraph 11 above, as to presenting any such requirements in the context of the proposed programme budget for 2002-2003, on the basis of updated supporting workload indicators**. The Secretary-General, however, does indicate in paragraph 28 of document A/55/57/Add.1 that he finds the recommendation as to the provision of legal backstopping to the Panel of Counsel appropriate. Moreover, specific proposals are made in paragraph 6 of annex V to document A/55/253, such as making available, for an initial one-year period, a legal officer who would advise staff on the merits of their case and how to proceed, advise staff who are the subject of disciplinary proceedings and provide guidance to the members of the Panel. The Secretary-General also proposes to allow legal officers from the Office of Legal Affairs, not dealing with personnel matters and having no conflict of interest, to volunteer as members of the Panel.

Additional information

18. During the course of its hearings, the Committee requested additional information on a number of areas. The replies received are contained in annex II to the present report. However, the Committee notes that the

information contained in Annex II, sect. C.1, is incomplete in that it does not include amounts. Similarly, in annex II, sect. D, information is lacking on the specific number of cases. That information should be provided to the Fifth Committee.

Annex I

Administrative Tribunal cases filed and judgements rendered, 1994-1999

Year	*Number of cases filed*	*Number of cases considered*	*Number of judgements rendered*	*Number of cases joined*	*Number of cases withdrawn*	*Number of cases left*
1994	64	N/A	54	11 (3 judgements)	2	99
1995	75	N/A	58	28 (7 judgements)	4	91
1996	66	86	61	6 (6 judgements)	4	72
1997	47	71	60	7 (2 judgements)	-	54
1998	62	60	45	6 (3 judgements)	1	67
1999	72[a]	39	32	3 (1 judgement)	5	100

[a] Two cases (Nos. 1005 and 1015) each involved three applicants, who were dealt with separately in the judgement; one case (No. 1032) involved five applicants, who were also dealt with separately.

Annex II

Administrative Tribunal cases: additional information

A. Number of appeals and suspension of action cases filed and disposed of by all JABs,[a] 1995-2000

Year	New York JAB appeals filed	New York JAB cases disposed	Geneva JAB appeals filed	Geneva JAB cases disposed	Vienna JAB appeals filed	Vienna JAB cases disposed	Nairobi JAB appeals filed disposed
2000[b]	44	51	18	26	5	1	[c]
1999	64	46	28	29	4	3	[c]
1998	56	46	28	28	11	4	[c]
1997	75	54	24	20	5	2	[c]
1996	77	47	18	23	6	5	[c]
1995	70	9	21	32	3	[c]	[c]

[a] Disciplinary cases are also handled by the JAB secretariats and they are considered on a priority basis.
[b] As of 30 September 2000.
[c] Data not received.

B. Administrative Tribunal judgements emanating from appeals in which unanimous JAB recommendations[a] were either not accepted or partially accepted by the Secretary-General, 1996-1998

Year	Total number of Administrative Tribunal judgements	Number of judgements in which there was divergence between unanimous JAB recommendations Secretary-General's decision
1996	42	11 (26.0%)
1997	42	7 (16.6%)
1998	26[b]	5 (19.2%)

[a] It should be noted that unanimous JAB recommendations can be either favourable to the appellant or unfavourable. For example, in one case that had resulted from disciplinary proceedings (judgement No. 802), the Secretary-General did not accept the disciplinary measure of summary dismissal that had been recommended by JDC. He instead decided to separate the staff member with pay in lieu of notice. In that case, the Tribunal considered that JDC had not considered all the elements of the case and awarded compensation equal to six months net base salary. The Tribunal took no issue with the findings that the staff member's conduct was incompatible with further service.
[b] Two additional judgements (Nos. 881 and 883) were submitted directly to the Tribunal without prior consideration by JAB.

Other considerations/facts

- The Tribunal has only very rarely awarded compensation or other remedies as recommended by JAB, as follows:
  - 1996, three cases (judgement Nos. 764, 766 and 795);
  - 1997, no case;
  - 1998, one case (judgement No. 876).
- The Tribunal has awarded additional compensation in the following cases in which the Secretary-General had accepted in full the JAB recommendation for compensation and/or other remedy:
  - 1996, judgement Nos. 760, 767, 787 and 793;
  - 1997, judgement Nos. 838 and 842;
  - 1998, judgement Nos. 873, 882, 897, 909 and 910.
- The Tribunal has adjudicated and awarded compensation in the following cases that JAB had considered to be without merit or time-barred, as follows:
  - 1996, judgement Nos. 758, 762, 772, 779 and 791;
  - 1997, judgement Nos. 826, 835, 839, 848, 858 and 863;
  - 1998, judgement Nos. 875, 885 and 904 (time-barred).
- The Tribunal awarded compensation in the following cases in which none had been recommended by JAB:
  - 1996, judgement Nos. 784 and 793;
  - 1997, judgement No. 833;
  - 1998, judgement No. 870.

C. Payments

1. Settlement payments made since 1996

No uniform procedure exists that is followed by all organizational entities for the settlement of grievances. Generally, the United Nations, UNDP, UNICEF and UNHCR do not initiate settlement discussions involving the payment of monies except insofar as such payments are in order to rectify administrative errors, primarily in the area of monetary entitlements. Thus, when upon administrative review the Administration considers that an allowance was not paid in error or a mistaken amount was paid, the payment subsequently made in rectification of the error is not considered a settlement in the proper sense of the word. Notably, very few settlements involve the payment of monies. In this regard, all organizations always seek mutually satisfactory solutions to grievances, whenever possible, in accordance with applicable rules and regulations and in the best interest of the Organization.

2. Payments made in implementation of Administrative Tribunal Judgements, 1996-1998

Judgement No.	*Compensation ordered by the Tribunal* (United States dollars)	*Amount paid* (United States dollars)
	1996	
755: Chen	1 year nbs	[a]
758: Balkenhol-De Vries	15 000	15 000
760: Zouari	3 000	3 000
762: Smith (UNICEF)	1 000	1 000
764: Simatos (UNICEF)	1 000	1 000
765: Anderson-Bieler	10 000	10 000
767: Nawabi	2 years nbs	85 259.28
770: Sidibeh (UNHCR)	1 year nbs	52 151
772: Zeid	5 000	5 000
774: Stepczynski	SPA for 2 years and $35 000	SPA for 2 years and $35 000
779: Maia-Sampaio	5 000	5 000
782: Zoubrev	15 months nbs	46 008.15
784: Knowles	10 000	10 000
787: Abramov	6 months nbs	[a]
791: Karmoul	5 000	5 000
792: Rivola (ITC)	3 months nbs	[a]
793: Bloch	20 000	20 000
795: El-Sharkawi	6 months nbs	14 547.66
802: Baccouche	6 months nbs	[a]
805: El Aoufi (UNFPA)	15 000	15 000
	1997	
812: Everett (UNDP)	3 000	3 000
813: Emblad (UNHCR)	12 months nbs	34 349
814: Monteleone-Gilfillian	9 months nbs	37 228.95
815: Calin	6 months nbs	12 183.96
826: Beliayeva	9 months nbs	29 774.34
833: Tlatli	1 year nbs	24 448
835: Dia (UNHCR)	1 year nbs	12 705
838: Cruz Cousillas	4 months nbs	[a]
839: Noyen	6 months nbs	34 462
840: Mucino (UNDP)	6 months nbs	[a]
841: Guest & Slatford	1 year nbs and $4 000 for each appellant	42 961.59 (Guest) 44 155.48 (Slatford)
847: Wyss (UNHCR)	3 months nbs	18 220
842: Merani (UNEP)	3 months nbs	[a]

Judgement No.	*Compensation ordered by the Tribunal* (United States dollars)	*Amount paid* (United States dollars)
844: Sikka (ITC)	1 000	1 000
848: Khan	4 months nbs	19 404.32
857: Daly & Opperman	The difference in salary and entitlements between 2 grades	66 845.97 (Daly) 42 764.59 (Opperman)
858: Mr. M.	6 months nbs	35 615.64
862: Szekielda	4 months nbs	23 616
863: Palermo (UNDP UNHCR)	1 year nbs	UNHCR paid $20 850; no data from UNDP
	1998	
870: Choudhury et al. (UNMOGIP)	3 months nbs to each of the appellants	[a]
872: Hjelmquist	3 years nbs	112 491
873: Patel	$4 225 minus $500	3 725
875: Thacker	7 months nbs	21 325.43
876: Tinkl (UNITAR)	An amount corresponding to one and a half days of accrued annual leave	296.27
879: Karmel (UNICEF)	9 months nbs or compensation equal to 15 months nbs	32 985
880: Macmillan-Nihlen	3 000	3 000
881: Zeghouani	6% interest on the repatriation grant	[a]
882: Ossolo (UNDP)	1 year nbs, in addition to 3 months nbs	[a]
883: Cellerier et al.	Salary supplement that they would have received in May and June 1995, as well as 1 additional month of salary supplement	[a]
885: Handelsman	3 months nbs	16 231.56
892: Sitnikova	3 000	3 000
897: Jhuthi (Habitat)	2 months nbs	[a]
899: Randall	6 months nbs minus $500 already paid	34 544.44
900: Salma	3 months nbs in addition to $500 already paid	16 112.14
904: Noyen	3 000	3 000
907: Salvia (ECLAC)	18 months nbs and 3 months nbs for the delays	[a]
909: Sims	3 months nbs	14 493
910: Soares (UNDP)	3 months nbs	[a]

Note: nbs = net base salary.

[a] Data not received.

D. Cases which resulted in compensation because of negligence of managers and action taken vis-à-vis the managers

Only in a very few cases are damage awards related to individual errors, and it is for those cases that the Secretary-General has proposed the implementation of procedures to ensure accountability (see A/54/793).

As indicated in the above-mentioned report, the proposed procedures will ensure that the due process rights of staff members will be protected in respect of the implementation of Staff Rule 112.3 (Financial responsibility). Such procedures will determine whether there was "gross negligence" in a specific instance, and what financial responsibility, if any, should be incurred by those who committed gross negligence. These procedures include changes to the composition and mandate of the Joint Disciplinary Committee (JDC), thereby enabling JDC to consider cases of staff charged with gross negligence and to make recommendations for recovery under Staff Rule 112.3. These new procedures necessitate corresponding changes to the Staff Rules pertaining to the functions and composition of JDC.

However, since JIU has also made particular proposals concerning the mandate of JDC, which proposals are currently before the Advisory Committee, it is important that account be taken of the Committee's and the Assembly's action concerning the name and mandate of JDC, in response to JIU proposals, prior to proceeding with the changes to the Staff Rules and the preparation of the relevant administrative instruction. Notably, since the new Staff Rules and implementing administrative instruction will clearly affect the conditions of work, they will have to be submitted to staff consultations.

It is worthwhile to note that the Tribunal has made reference to Staff Rule 112.3 and invited the Secretary-General to consider the applicability of that Rule and recovery in two cases that it adjudicated during 1999: judgement Nos. 914 (Gordon and Pelanne) and 936 (Salama). In both cases, the officials that the Tribunal identified as bearing primary responsibility for the injury sustained by the appellants have retired from or have left the service of the Organization, and therefore the issue of recovery does not arise.

United Nations A/55/515

General Assembly

Distr.: General
23 October 2000

Original: English

Fifty-fifth session
Agenda item 40
The situation in the Middle East

Letter dated 20 October 2000 from the Permanent Representative of Guyana to the United Nations addressed to the President of the General Assembly

I have the honour to request that the attached press release issued by the Government of Guyana be circulated among Member States as a document of the General Assembly under agenda item 40.

(*Signed*) S. R. **Insanally**
Ambassador
Permanent Representative

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Annex to the letter dated 20 October 2000 from the Permanent Representative of Guyana to the United Nations addressed to the President of the General Assembly

Situation in the Middle East

The situation in the Middle East, particularly in terms of Israeli-Palestinian relations, has deteriorated to such a point where, with increasing tension and violence, not only is the peace process seriously threatened but there is also now the serious risk of an escalation in the conflict.

In support of recent Security Council resolution 1322 (2000) of 7 October 2000, the Government of Guyana deplores the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September and subsequent violence there and throughout the territories occupied by Israel since 1967, which resulted in more than 80 Palestinian deaths. These tragic incidents should be fully investigated in order to avoid a recurrence. In this context, we wish to encourage all concerned parties, both within and outside the region, including the Secretary-General of the United Nations, to do their utmost to secure a reconciliation between the Israeli and Palestinian sides.

The Government of Guyana believes that the various resolutions which have been adopted by both the General Assembly and the Security Council in relation to the Palestinian question as well as the accords which have been reached directly between Israel and Palestine provide an ample framework for pursuing the search for agreement. We therefore call upon the parties involved to avoid further confrontation and return to the negotiating table with a view to finding a peaceful solution to the problems which separate them.

As a member of the United Nations and of its Committee on the Exercise of the Inalienable Rights of the Palestinian People, Guyana will not fail to work for the cause of peace and justice in the Middle East so that all peoples in the region may live within secure borders and thus be allowed to enjoy fully the fruits of peace and development.

United Nations A/55/516

General Assembly

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24 October 2000

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Fifty fifth session
Agenda item 138 (b)
Financing of the United Nations peacekeeping forces in the Middle East

United Nations Interim Force in Lebanon

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General containing the revised budget of the United Nations Interim Force in Lebanon (UNIFIL) for the 12-month period from 1 July 2000 to 30 June 2001 (A/55/482). During its consideration of the report, the Committee met with representatives of the Secretary-General who provided additional information.

2. UNIFIL was established by the Security Council in its resolution 425 (1978) of 19 March 1978 for operations in southern Lebanon. The mandate of UNIFIL has been extended several times by the Council, most recently in its resolution 1310 (2000) of 27 July 2000, by which the Council extended the mandate of the Force until 31 January 2001.

3. The Advisory Committee was informed that, as at 30 September 2000, the amount of $903,770,937 was reimbursed for troop costs for the period from 1 December 1989 to 31 March 2000 and that the amount owed for the period from 1 April to 31 August 2000 was $26,480,106.

4. With regard to reimbursement for contingent-owned equipment, the Committee was informed that the amount for the period from 1 June 1994 to 30 September 2000 was $3,921,104; the estimated amount owed, as at 30 September 2000, was $5,936,348; and unliquidated obligations for contingent-owned equipment amounted to $1,406,994. As regards death and disability claims, as at 30 September 2000, 414 claims, totalling $19,563,346, had been paid; unliquidated claims amounted to $3,450,139; and 8 claims were pending.

5. The Advisory Committee was informed that, as at 12 October 2000, the cash position of UNIFIL amounted to $100.2 million. Upon enquiry, the Committee was also informed that the high cash position was due to the fact that contributions to UNIFIL were at a high level and that UNIFIL requires three to four months of

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operating cash for the maintenance of the Force. The Committee was also informed that the troop payments for peacekeeping missions were now being made for the period from 1 April to 30 June 2000; the amount of the payment for UNIFIL is $14.7 million.

6. Assessments for the period from 16 June 1993 to 30 September 2000 amounted to $3,188.2 million; as at 30 September 2000, payments received totalled $3,021.4 million; and the amount outstanding was $166.8 million. Total unliquidated obligations for the period from 1 July 1999 to 30 June 2000 were $23,547,266 for Governments and $14,317,537 for non-governmental obligations as at 30 September 2000.

7. The revised budget of UNIFIL for the period from 1 July 2000 to 30 June 2001 amounts to $225,535,700 gross, inclusive of budgeted voluntary contribution in kind amounting to $180,000. The revised estimate is $86,758,400 higher than the initial approved budget of $138,957,300. The proposal reflects increases of 74.5 per cent ($59,652,500) in military personnel costs; 16.5 per cent ($4,141,900) in civilian personnel costs; 75.5 per cent ($22,506,900) in operational requirements; and 12.2 per cent ($457,100) in staff assessment.

8. The Advisory Committee notes from paragraphs 3 and 11 of the report that the revised budget incorporates additional requirements for the expansion of the Force as proposed in the report of the Secretary-General to the Security Council of 22 May 2000 (S/2000/460, paras. 31-35) and endorsed by the Council in its presidential statement of 23 May 2000 (S/PRST/2000/18). This included an increase in troop strength to 7,935 from the previous authorized strength of 4,513. The Committee was informed that, as at 30 September 2000, 5,732 troops were already in theatre.

9. With regard to civilian personnel, the Advisory Committee notes from paragraph 13 of the report that the revised budget proposes an increase of 81 posts (34 international and 47 local staff) from 491 posts (141 international and 350 local staff) to 572 posts (175 international to 397 local staff). The Committee was informed that, against the authorized staffing establishment of 141 international and 350 local staff, posts encumbered, as at 30 September 2000, numbered 131 staff and 350 staff respectively.

10. The Advisory Committee notes with concern that out of 11 troop-contributing countries, to date only two countries have signed memoranda of understanding (A/55/482, paras. 18 and 19). The Committee was informed that the process continues to be slow and that it often takes as long as six months for the Secretariat to receive replies from troop-contributing countries concerning the draft memoranda of understanding negotiated with them. The Committee was also informed that the estimates for self-sustainment are based on memoranda of understanding discussed but not yet signed and that no payment is made until they have been signed.

11. The Advisory Committee points out that the new reimbursement arrangements came into force as of 1 July 1997 after being approved by the General Assembly in resolution 50/222 of 11 April 1996. **The Advisory Committee is of the view that the present situation is not satisfactory, since nearly four years after the introduction of the new reimbursement arrangements, the Secretariat is still facing difficulties implementing aspects of the contribution agreements in a timely manner**. The Committee was informed that, out of 11 current troop-

contributors, 10 are expected to choose the wet lease arrangements for reimbursement of contingent-owned equipment.

12. The actions to be taken by the General Assembly at its fifty-fifth session in connection with the financing of UNIFIL are outlined in paragraph 8 of the report. The Secretary-General proposes that the General Assembly appropriate the additional amount of $86,758,400 gross ($86,301,300 net) for the expansion of the mission for the 12-month period from 1 July 2000 to 30 June 2001, to be assessed at the monthly rate of $7,229,866 gross ($7,191,775 net), subject to the extension of the mandate of the Force by the Security Council beyond 31 January 2001. **The Advisory Committee recommends approval of the proposal of the Secretary-General**.